

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service 105-94

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Petition Finding on the Bull Trout

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 12-month finding on a petition to list the bull trout (*Salvelinus confluentus*) pursuant to the Endangered Species Act of 1973, as amended (Act). The Service finds that listing bull trout throughout its range is not warranted at this time due to unavailable or insufficient data regarding the threats to and status and population trends of the species within Alaska and Canada. Sufficient information is available, however, to support a warranted finding to list bull trout within the conterminous United States. The Service, therefore, finds that listing a distinct vertebrate population segment of bull trout residing in the conterminous United States is warranted, but precluded due to other higher priority listing actions. The Service continues to seek data and comments from the public on the status and threats to this species.

DATES: The finding reported in this document was made on June 6, 1994. Comments and information may be submitted until further notice.

ADDRESSES: Comments and materials concerning this petition may be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 3704 Griffin Lane SE, suite 102, Olympia, Washington 98501. The petition, finding, supporting data, comments, and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David C. Frederick, Field Supervisor (see ADDRESSES section), at 206/753-9440.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*), requires that for any petition to list a species as endangered or threatened that presents substantial scientific or commercial information, a finding must be made within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c),

warranted but precluded from immediate proposal by other pending proposals to list, delist, or reclassify species. Such 12-month findings are to be published promptly in the **Federal Register**. If the finding is warranted but precluded, the Service will, within 12 months of such finding, reevaluate the issue and again make one of the three findings described above with regard to the petition.

The bull trout was designated as a category 2 candidate for listing in the conterminous United States in the September 18, 1985, Animal Notice of Review (50 FR 37958). Category 2 species are species for which the Service has some evidence of vulnerability but for which substantial information is not currently available to support a proposal to list the species as endangered or threatened.

On October 30, 1992, the Service received a petition to list the bull trout as an endangered species throughout its range from the following conservation organizations in Montana: Alliance for the Wild Rockies, Inc., Friends of the Wild Swan, and Swan View Coalition. The petitioners also requested that critical habitat be designated for the bull trout concurrently with the listing. They further requested an emergency listing and concurrent critical habitat designation for bull trout populations in select aquatic ecosystems where the biological information indicates that the species is in imminent threat of extinction.

A 90-day petition finding, published May 17, 1993 (58 FR 28849), determined that the petitioners had provided substantial information indicating that listing of the species may be warranted. The Service initiated a rangewide status review of the species concurrent with publication of the 90-day finding. The period of the Service's status review was extended due to insufficient staff.

The Service has carefully assessed the best scientific and commercial information available regarding the present and future threats facing the bull trout. The species historically was widely distributed throughout the major rivers and tributaries of the Pacific Northwest, including seven States (Alaska, Montana, Idaho, Washington, Oregon, Nevada, and California) and two Canadian Provinces (Alberta and British Columbia). The species has been extirpated from most of the large mainstem rivers in which it historically occurred. The majority of remaining individuals exist within headwater streams. These fragmented and isolated populations are subject to local extirpation.

The species is threatened with extinction within the conterminous United States as a result of aquatic habitat degradation due to forest management practices, roadbuilding, dams, water diversions, mining, and grazing, as well as from isolation, competition and hybridization with non-native fishes, and overharvest. Even populations occurring in wilderness areas, where land use impacts are minimal, are threatened by non-native species and by isolation from other populations such that stochastic events might, in time, result in extirpation.

Different amounts of scientific and commercial data are available on the different populations of bull trout throughout its range. There is little information available regarding the existence or status of bull trout in Alaska. Sufficient monitoring data to document the possible declining population trend in Canada is not currently available in Service files. As a result of the Service's status review for this species, the Service finds that listing bull trout throughout its range is not warranted at this time due to unavailable or insufficient data regarding the threats to and status and population trends of the species within Alaska and Canada.

Sufficient information on the biological vulnerability and threats to the species is, however, available to support a warranted finding to list bull trout within the conterminous United States. The Service has identified a national interest in preserving species in the conterminous United States, even though they also occur in Canada and Alaska. Examples of cases where the Service has used an international boundary to define a distinct vertebrate population segment include: Grizzly bear, bald eagle, marbled murrelet, and woodland caribou.

On September 21, 1983 (48 FR 43098), the Service published a system for prioritizing species for listing. This system results in a listing priority number from 1 to 12 (with number 1 as the most threatened). Because of limited staff and funding, the Service must give priority to the listing of species with a listing priority of 1 through 6. Given the moderate, yet imminent threats facing bull trout residing in the conterminous United States, the Service assigns the listing priority number of 9 to this distinct vertebrate population segment.

Section 4(b)(3)(B)(iii) of the Act provides that petitioned actions may be found to be warranted, but precluded by other listing actions when it is found that the Service is making expeditious progress in proposing and listing

species of plants and animals that are imminently and highly threatened.

For the current fiscal year that began on October 1, 1994, the Service is making expeditious progress to propose and list (within the six conterminous States where bull trout reside), at least 80 plant and animal taxa with listing priority numbers between 2 and 8. The Service, therefore, finds that listing the distinct vertebrate population segment of bull trout residing in the conterminous United States is warranted, but precluded due to other higher priority listing actions. Such species are placed in category 1 of the candidate species list.

More detailed information regarding the above decisions may be obtained from the Service's Olympia office (see **ADDRESSES** above).

References Cited

A complete list of references used in the preparation of this finding is available, upon request, from the Olympia State Office (see **ADDRESSES** section).

Authors

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Box 10023, Helena, Montana 59626-0023; Wade Fredenberg, Creston Fish and Wildlife Center, 780 Hatchery Road, Kalispell, Montana 59901; and Bob Hallock, Northern Idaho Office, 11103 East Montgomery Drive, suite 2, Spokane, Washington 99206.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

Dated: June 6, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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